

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GRACE M. ADAMS,

Plaintiff,

v.

CITY COLLEGES OF CHICAGO,

Defendant.

DOCKETED
SEP 06 2000

00C 5457

No. JUDGE RONALD GUZMAN
MAGISTRATE JUDGE SCHENKIER

COMPLAINT

Plaintiff, GRACE M. ADAMS, by and through her attorney, TIMOTHY J. COFFEY, brings this Complaint under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 621, et seq. (hereafter the "ADEA"), and in support thereof states as follows:

1. This Court has jurisdiction over this Complaint in that the claims made herein arise under the ADEA.

2. The unlawful employment practices complained of below were committed within Cook County, Illinois. Therefore, venue is proper in this Court.

3. Plaintiff, Grace M. Adams (hereafter "Grace"), is an individual residing in the City of Chicago, County of Cook, Illinois. She was born on January 15, 1948, and is presently 52 years old.

4. Defendant, City Colleges of Chicago (hereafter "CCC"), is either an Illinois municipal corporation, or an Illinois non-profit corporation authorized to conduct business in Illinois, and doing business through various member colleges at various locations throughout Chicago, Illinois.

FILED-ED4
SEP 5 2000
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO
J. COFFEY

1-1

5. CCC is engaged in an industry affecting commerce, as defined in Section 11(h) of the ADEA, 29 U.S.C. 630(h). CCC has employed 20 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. CCC is thus an "employer" within the meaning of the ADEA.

6. Grace is and has been an employee of CCC since 1974. She presently works at CCC member Olive Harvey College, 10001 S. Woodlawn, Chicago, IL 60628, in the full-time position of Secretary I in the Office of the Vice President of Student Services. Also, since January, 1996, in addition to her full-time position as Secretary I, Grace has worked for CCC as a part-time Counselor also at Olive Harvey College.

7. In or around June, 1998, Grace applied for a full-time counselor position with CCC at Olive Harvey College. Out of 49 applicants, the Counselor Search Committee, chaired by Mr. Daniel T. Parker, the Counseling Department Chairperson, recommended Grace for the job. CCC hired Grace for the job; however it subsequently, and unilaterally, decided that it would not fill the full-time Counselor position at that time.

8. In or around June, 1999, Grace again applied for the full-time Counselor position with CCC at Olive Harvey College. In July, 1999, the selection committee again recommended Grace as its first choice for the job. After Grace, the committee ranked the following individuals second, third and fourth choice, respectively: Carmen Holmes (DOB: 04-12-51), Sharon Tolliver (DOB: 11-14-49), and Sherri Morrow (DOB:10-13-66).

9. In or around August, 1999, CCC selected applicant Sherri Morrow for the full-time Counselor position, and offered her the job. On information and belief, Ms. Morrow accepted CCC's offer and has been working in the new position since August, 1999.

10. Grace was more qualified for the full-time Counselor position than Ms. Morrow.

11. Grace had more relevant work experience for the full-time Counselor position than Ms. Morrow.

12. Grace had, and has, a doctorate degree in education whereas Ms. Morrow did not and, on information and belief, does not.

13. Grace's work performance in all of the positions she has held at CCC has been exemplary.

14. Grace filed a charge of age discrimination against CCC with the District Office of the Equal Employment Opportunity Commission on or about October 28, 1999. The EEOC issued its "Notice of Right to Sue" on June 7, 2000, entitling Grace to institute a civil action with respect to her charge within 90 days of the date of receipt of said notice. This complaint has been filed within 90 days of such issuance. Grace's EEOC charge and the EEOC right to sue letter are attached hereto as Exhibits A and B, respectively.

15. On information and belief, Grace's age, 51 at the time of CCC's decision, was a determining factor in CCC's decision to not offer her the full-time Counselor position, and, instead, to offer the position to Sherri Morrow.

16. The above described conduct by CCC was malicious and/or with reckless disregard and indifference to Grace's rights.

17. As a direct and proximate result of CCC's illegal conduct described above, Grace has suffered a loss of wages, a loss of employment benefits associated with the full-time Counselor position, and a loss of future job opportunities both within CCC, and outside of CCC.

Wherefore, Grace prays unto this Honorable Court as follows:

- A. Order Defendant City Colleges of Chicago to make Grace whole by paying her appropriate lost back pay, lost employee benefits, out-of-pocket expenses, and pre-judgment interest in an amount to be shown at trial;
- B. Order CCC to promote Grace to a full-time Counselor position, or an equal or greater position; or, in the alternative, order CCC to pay Grace an appropriate amount of front pay;
- C. Order CCC to pay Grace liquidated damages in an amount equal to any back pay award plus lost interest;
- D. Order CCC to pay Grace punitive and compensatory damages in the maximum amount allowable by law;
- E. Order CCC to pay Grace's costs incurred in bringing this action, including, but not limited to, expert witness fees and reasonable attorneys fees;
- F. Try all issues of fact to a jury; and,

G. Grant such other relief as the Court deems just.

Respectfully Submitted,
GRACE M. ADAMS, Plaintiff,

By: 

TIMOTHY J. COFFEY,
Attorney for GRACE M. ADAMS

TIMOTHY J. COFFEY, ESQ.
Attorney for GRACE M. ADAMS
33 N. LaSalle Street
Suite 3300
Chicago, IL 60602
(312) 364-9000

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☐ FEPA☒ EEOC

CHARGE NUMBER

210A00386

Illinois Dept. of Human Rights

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Ms. Grace M. Adams

HOME TELEPHONE (Include Area Code)

(773) 483-4731

STREET ADDRESS

CITY, STATE AND ZIP CODE

8608 South Calumet, Chicago, IL 60619

DATE OF BIRTH

01/15/194

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

City Colleges Of Chicago

NUMBER OF EMPLOYEES, MEMBERS

Cat D (501 +)

TELEPHONE (Include Area Code)

(773) 291-6100

STREET ADDRESS

CITY, STATE AND ZIP CODE

Olive Harvey College, 10001 S. Woodlawn, Chicago, IL 60628

COUNTY

031

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☒ AGE☐ DISABILITY☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

10/28/1999 08/05/1999

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was hired by the above named Respondent in 1974, as a Secretary. My most recent position is Secretary I in the Office of the Dean of Student Services. Since January 1996, I began a part-time Counselor position in the evenings concurrent with my fulltime position. In or about June 1999, I applied for a fulltime Counselor position which stated that "Doctorate Preferred". Shortly after I applied, I successfully defended and completed my Ph.D. program. On or about August 5, 1999, I learned that I was not selected for the position. On or about August 6, 1999, I learned that I was the top candidate recommended for the position by the selection committee.

II. I was told that I was not selected because I did not interview well with the Vice President of Academic Affairs. I was told during my grievance that "fair and equitable hiring procedures have been maintained in conjunction with normal and anticipated administrative discretions."

III. I believe that I was discriminated against because of my age, 51 (date of birth: January 15, 1948), in violation of the Age Discrimination in Employment Act of 1967, as amended, in that I was not selected for the promotion to the Counselor position, whereas a younger, less qualified and lower ranked, candidate was selected for the position.

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

Date 10/28/99

Charging Party (Signature)

EEOC FORM 5 (Rev. 06/99)

CHICAGO DISTRICT OFFICE

EXHIBIT

FILE COPY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE
 (Issued on request)

To: CERTIFIED MAIL NO.: Z-346-545-177 C/P

Grace M. Adams
 8608 South Calumet
 Chicago, Illinois 60619

From:

Equal Employment Opportunity Commission
 Chicago District Office
 500 West Madison Street, Suite 2800
 Chicago, Illinois 60661-2511

☐ On behalf of a person aggrieved whose identity is
 (29 C.F.R. 1601.7(a))

Charge Number

210A00386

EEOC Representative

Eileen Sotak, Enforcement Supervisor

Telephone Number

(312) 353-1316

(See the additional information attached to this form)

TO THE PERSON AGGRIEVED: This is your NOTICE OF RIGHT TO SUE. It is issued at your request. If you intend to sue the respondent(s) named in your charge, YOU MUST DO SO WITHIN NINETY (90) DAYS OF YOUR RECEIPT OF THIS NOTICE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

- ☐ More than 180 days have expired since the filing of this charge.
- ☐ Less than 180 days have expired since the filing of this charge, but I have determined that the Commission will be unable to complete its process within 180 days from the filing of the charge.
- ☒ With the issuance of this NOTICE OF RIGHT TO SUE, the Commission is terminating its process with respect to this charge.
- ☐ It has been determined that the Commission will continue to investigate your charge.
- ☒ **ADEA:** While Title VII and the ADA require EEOC to issue this notice of right to sue before you can bring a lawsuit, you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge was filed until 90 days after you received notice that EEOC has completed action on your charge.
- ☒ **Because EEOC is closing your case,** your lawsuit under the ADEA must be brought within 90 days of your receipt of this notice. Otherwise, your right to sue is lost.
- ☐ **EEOC is continuing its investigation.** You will be notified when we have completed action and, if appropriate, our notice will include notice of right to sue under the ADEA.
- ☐ **EPA:** While Title VII and the ADA require EEOC to issue this Notice of Right to Sue before you can bring a lawsuit, you already have the right to sue under the Equal Pay Act (EPA) (You are not required to complain to any enforcement agency before bringing an EPA suit in court). EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

June 7, 2006
 (Date)

On Behalf of the Commission

John P. Rowe
 John P. Rowe, District Director

Enclosures

Information Sheet
 Copy of Charge

cc: Respondent(s) City Colleges of Chicago
 Olive Harvey College

EXHIBIT

TABLER

B

JS 44
(Rev. 12/96)Cat 20
CIVIL COVER SHEET

00C

5457

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GRACE M. ADAMS

DEFENDANTSJUDGE RONALD GUZMAN
CITY COURTS OF CHICAGO(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COOK
(EXCEPT IN U.S. PLAINTIFF CASES)**MAGISTRATE JUDGE SCHENKIER**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT COOK
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

312-368-9000 TIMOTHY J. CONROY
33 N. LA SALLE, STE. 3300
CHICAGO, IL 60602

ATTORNEYS (IF KNOWN)

DOCKETED
SEP 06 2000**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State PTF ☐ DEF ☐
Citizen of Another State PTF ☐ DEF ☐
Citizen or Subject of a Foreign Country PTF ☐ DEF ☐
Incorporated or Principal Place of Business in This State PTF ☐ DEF ☐
Incorporated or Principal Place of Business in Another State PTF ☐ DEF ☐
Foreign National PTF ☐ DEF ☐

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 U.S.C. § 1967, 29 USC § 621, et seq.

VII. REQUESTED IN COMPLAINTCHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

YES ☒ NO ☐**VIII.**

This case

☒ is not a refiling of a previously dismissed action.☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

9-5-00

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of

GRACE ADAMS
V.

00C 5457

Case Number:

CITY COLLEGE OF CHICAGO JUDGE RONALD GUZMAN

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

GRACE ADAMS
MAGISTRATE JUDGE SCHENKIER

(A)		DOCKETED (B)	
SIGNATURE	<i>[Signature]</i>	SIGNATURE	SEP 06 2000
NAME	(MOTHA) J. COFFEE	NAME	
FIRM	(SAME)	FIRM	
STREET ADDRESS	33 N. LA SALLE	STREET ADDRESS	
CITY/STATE/ZIP	CHgo, IL 60602	CITY/STATE/ZIP	
TELEPHONE NUMBER	312-364-9000	TELEPHONE NUMBER	
FAX NUMBER	312-364-9140	FAX NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6224686	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input type="checkbox"/>
		DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
FAX NUMBER		FAX NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>